(98)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

W.P. (C)No.4523 of 2006

PETITIONERS

M/s Prakash Industries Limited, A Company incorporated under the Companies Act, 1956, having its Registered Office at 15 KM-stone, Delhi Road, Hissar, (Haryana) & having its Sponge Iron Plant at Village Kotadabri, Champa, District Janjgir-Champa, through its President (Corporate Affairs) & Power of Attorney Holder M/s Prakash Industries Ltd., Champa (Chhattisgarh)

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, Through Secretary (Energy), Mantralaya, D.K.S. Bhawan, Raipur (Chhattisgarh) (Appellate Authority u/s 36 (2) of the Indian Electricity Act 1910)

2. Chief Electrical Inspector, Govt. of Chhattisgarh Office of Chief Electrical Inspector, 36/437, Bairan Bazar, Raipur (Chhattisgarh)

3. Chhattisgarh State Electricity Board, through its Secretary, Dangania, Raipur

4. Chief Engineer, Bilaspur region, Chhattisgarh State Electricity Board, Tifra, Bilaspur (C.G.)

5. Executive Engineer (O&M), Chhattisgarh State Electricity Board, Champa, District Janjgir-Champa (C.G.)

6. Superintending Engineer (O&M), Chhattisgarh State Electricity Board, Janjgir Circle, Dist. Janjgir Champa (C.G.)

7. Senior Accounts Officer Chhattisgarh State Electricity Board, Tifra, Bilaspur (C.G.)

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(99)

Present: Shri Sanjay K Agrawal, learned counsel for the petitioner.
Shri Prashant Mishra, learned Addl. Adv. Gen. with Shri Sanjay S Agrawal, learned Govt. Advocate for the State of Chhattisgarh.
Shri A.S. Gaharwar, learned counsel for respondents No. 3 to 7.

ORAL ORDER
(Passed on 04th September, 2006)

The complaint of the petitioner is that despite the direction issued by this Court in earlier Writ Petition No. 5676 of 2005 dated 28-11-2005, the first respondent did not dispose of the appeal within the time-frame fixed by this Court. In response to the notice issued by this Court on 24-08-2006, Shri Vivek Dhand, who is the Principal Secretary (Energy), Government of Chhattisgarh has filed an affidavit setting out the circumstances which came in the way of disposed of the appeal within the time-frame fixed by this Court. Of course, the first respondent-Government for any reason could not comply with the direction of this Court, ought to have sought extension of time for disposal of the appeal. Perhaps, realizing the lapse on the part of the first respondent, the deponent of the affidavit has tendered apology. I think that the apology tendered by the officer is honest. In that view of the matter, no further action need be taken against the first respondent. Secondly, it is brought to my notice at the time of hearing that the appeal was posted on 02-09-2006 and the case now stands posted to 05-09-2006. Looking from that angle also, there is no necessity to issue further direction. It is trusted that the first respondent without any further loss of time hear and dispose of the appeal expeditiously.

The writ petition stands disposed of, accordingly. No costs.

Sd/-
Chief Justice

Kamode